

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ELIJAH LEE MILLER,

Plaintiff,

v.

J. LYNCH, *et al.*,

Defendants.

Case No. 2:23-cv-02145-TLN-JDP

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 6, 2024, the magistrate judge filed findings and recommendations herein which were served on Plaintiff, and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. The time to file objections has passed, and Plaintiff did not file any objections.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007). Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by the proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed February 6, 2024 (ECF No. 9) are
ADOPTED IN FULL;
 2. Plaintiff's Application to Proceed In Forma Pauperis (ECF No. 2) is DENIED;
 3. Plaintiff is DIRECTED to tender the filing fee within thirty (30) days of this
Order; and
 4. This matter is referred back to the magistrate judge for further pre-trial
proceedings.

Date: March 11, 2024

Troy L. Nunley